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14 RAFAEL GONZALEZ and CESAR GOMEZ

15  
16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 RAFAEL GONZALEZ AND CESAR  
19 GOMEZ,

20 Plaintiffs,

21 v.

22 FRESHPOINT, INC., a Delaware  
Corporation,

23 Defendant.

Case No. 3:10-cv-01343-RS

**STIPULATION AND ~~[PROPOSED]~~  
ORDER TO CHANGE PREFERRED  
METHOD OF ALTERNATIVE DISPUTE  
RESOLUTION FROM EARLY NEUTRAL  
EVALUATION TO PRIVATE  
MEDIATION**

At the ADR Conference on September 7, 2010 and Case Management Conference on October 7, 2010, the parties agreed to participate in Early Neutral Evaluation ("ENE") as a preferred method of alternate dispute resolution. After further consideration and discussion, the parties have agreed to pursue private mediation in lieu of ENE. The parties believe that private mediation is more likely to resolve this litigation.

The parties have further agreed to meet and confer regarding proposed mediators and expect to select a mutually-acceptable private mediator by December 3, 2010.

The parties intend to conduct mediation no later than February 28, 2010 and will update the Court if they are unable to do so.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: November 23, 2010

Respectfully submitted,

/s/ Aaron Kaufman

AARON KAUFMAN

DAVID POGREL

HINTON, ALFERT & SUMNER, P.C.

Attorneys for Plaintiffs

RAFAEL GONZALEZ and CESAR GOMEZ

Dated: November 23, 2010

Respectfully submitted,

/s/ Guissu N. Raafat

ROBERT G. HULTENG

GUISSU N. RAAFAT

LITTLER MENDELSON

A Professional Corporation

Attorneys for Defendant

FRESHPOINT, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/23, 2010

  
JUDGE RICHARD SEEBORG  
United States District Court Judge

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